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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,038	03/16/2001	Aline Fichou	FR919990055US1	5687
42640	7590	07/22/2005	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/811,038

Applicant(s)

FICHO ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 8-23 are currently pending in this application. The previous objections to the specification and the claims have been withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-14 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,694,429 to Kalmanek, Jr. et al..

4. As to claim 8, Kalmanek teaches a system for reserving a virtual connection from a source workstation to a destination workstation within a network to allow data packets of data are transmitted over a network between an ingress node of said source workstation and an egress node of said destination workstation, said method: sending a reservation request for a virtual connection from said source workstation to a reservation server (col. 6, lines 47-62), wherein said reservation server includes connection setup means for setting up a virtual connection that meets a predefined Quality of Service requirement from said ingress node to said egress node (col. 9, lines 18-34); determining whether or not said reservation request can be validated based on user information within said source workstation, wherein said user information is accessible

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by said reservation server (col. 9, lines 18-34); in response to a determination that said reservation request can be validated based on user information within said source workstation, determining whether or not the capacity of said network is sufficient to meet the requirements of said reservation request (col. 10, line 47-col. 11, line 2); and in response to the capacity of said network being sufficient to meet the requirements of said reservation request, establishing a virtual connection from said ingress node to said egress node (col. 8, line 59-col. 9, line 17).

5. As to claim 9, Kalmanek teaches a method according to claim 8, wherein said step of verifying that said request may be validated further comprises: verifying the authentication of said user (col. 10, lines 19-32); and verifying the user rights to obtain said virtual connection (col. 10, lines 19-32).

6. As to claim 10, Kalmanek teaches a method according to claim 8, further comprising in response to insufficient capacity of said IP network with respect to a previous reservation request, delivering a new reservation request from said source workstation to said reservation server, wherein said new reservation request includes new parameters that are set in accordance with the capacity of said network as reported from said reservation server to said source workstation (col. 10, lines 47-col 11, line 13).

7. As to claim 11, Kalmanek teaches a method according to claim 8, further comprising delivering from said reservation server to said ingress and egress nodes, information required to set up a virtual connection from said ingress node to said egress node and a flow identification of the communication to be established such that said ingress node may transmit any packet received from said source workstation over said connection (col. 9, line 34-col. 10, line 18).

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8. As to claim 12, Kalmanek teaches a method according to claim 11, wherein the information sent by said reservation server to said ingress and egress nodes to set up a virtual connection includes a FlowID identifying the flow corresponding to the communication to be established over said virtual connection (col. 9, line 34-col. 10, line 18).

9. As to claim 13, Kalmanek teaches a method according to claim 12, further comprising comparing a FlowID of a new packet received by said ingress node with at least one FlowID corresponding to at least one reserved virtual connection that has been established from said reservation server to said ingress node (col. 28, lines 4-22).

10. As to claim 14, Kalmanek teaches the method according to claim 12, further comprising delivering a RouteID from said reservation server to said ingress and egress nodes, wherein said RouteID identifies a route already known by said nodes (col. 28, lines 4-22).

11. As to claim 16-22, they feature the same limitations as claims 8-14 and are rejected for the same reasons as claims 8-14.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 15 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,694,429 to Kalmanek, Jr. et al. in view of U.S. Patent Number 6,768,738 to Yazaki et al..

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14. As to claim 15 and 23, Kalmanek teaches the method according to claim 11 and 20, however Kalmanek does not explicitly teach a packet including a source address, a destination address, a port number, and a QOS identifier.

Yazaki teaches a packet including a source address, a destination address, a port number, and a QOS identifier (col. 2, lines 51-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kalmanek regarding the establishment of a virtual connection with the teachings of Yazaki regarding a packet including a source address, a destination address, a port number, and a QOS identifier because such information would help a router perform QOS controls (Yazaki, col. 2, lines 51-67).

#### ***Response to Arguments***

15. Applicant's arguments filed 9/8/2004 have been fully considered but they are not persuasive. The applicant argues that Kalmanek does not teach a controller including "connection setup means for setting up a virtual connection that meets a predefined QOS requirements from said ingress node to said egress node. However col. 9, lines 18-34 clearly shows a connection setup means for providing predefined QoS requirements to different users through the ingress and egress nodes of the system.

#### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB

  
KAMINI SHAH  
PRIMARY EXAMINER